

REMARKS

By this amendment, claims 1-5 and 7-32 are pending, in which claim 6 was previously canceled without prejudice or disclaimer, claims 2, 3, 10, 28, 29, 31, and 32 are currently canceled without prejudice or disclaimer, and claims 1, 4, 7-9, 11, 19, 20, and 24 are currently amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure. Applicants submit that the present Amendment does not generate any new matter issue, since the amendments comprise additions of features previously recited in now-canceled claims.

The Office Action mailed November 26, 2010 rejected claims 1-5, 7-9, 12-16, 18, 23, 25, and 26 as obvious under 35 U.S.C. §103(a) based on *Lindqvist et al.* (US 2003/0088778) in view of *Corts et al.* (US 2002/0141491), claims 10, 11, 24, and 27-32 as obvious under 35 U.S.C. §103(a) based on *Lindqvist et al.* (US 2003/0088778) in view of *Urdang* (US 2004/0078811), and claim 17 as obvious under 35 U.S.C. §103(a) based on *Lindqvist et al.* (US 2003/0088778) and *Urdang* (US 2004/0078811) in view of *Corts et al.* (US 2002/0141491), and *Dale et al.* (US2004/0022307).

The rejection of claims 1-5, 7-9, 12-16, 18, 23, 25, and 26 under 35 U.S.C. §103(a) and the rejection of claims 10, 11, 24, and 27-32 under 35 U.S.C. §103(a) are respectfully traversed.

Dependent claims 2 and 3 have been canceled, with their features incorporated into independent claim 1, which now recites, *inter alia*, “providing one or more data files including information for **locating a main page of the datacast operator, the main page including at least some of said supplementary data.**” Dependent claim 28 has been canceled, with its features incorporated into independent claim 7, which now recites, *inter alia*, “wherein the

supplementary data includes **data for identifying the datacast operator.**” Dependent claim 29 has been canceled, with its features incorporated into independent claim 8, which now recites, *inter alia*, “wherein the supplementary data includes **data for identifying the datacast operator.**” Dependent claim 10 has been canceled, with its features incorporated into independent claim 9, which now recites, *inter alia*, “selectively receiving, from a datacast operator, **prior to receiving the electronic service guide data**, supplementary data which is specific to the geographic area served by the datacast operator.” Dependent claim 31 has been canceled, with its features incorporated into independent claim 19, which now recites, *inter alia*, “wherein the supplementary data includes **data for identifying the datacast operator.**” Dependent claim 32 has been canceled, with its features incorporated into independent claim 20, which now recites, *inter alia*, “wherein the supplementary data includes **data for identifying the datacast operator.**” These claim features are not disclosed or even suggested by *Lindqvist et al.* of *Corts et al.*, or any other prior art of record.

Initially, it is noted that while claims 10, 11, 24, and 27-32 were rejected under 35 U.S.C. §103(a) based on *Lindqvist et al.* and *Urdang*, only, these claims depend from claims which were rejected under 35 U.S.C. §103(a) based on *Lindqvist et al.* and *Corts et al.*. Supposedly, the Examiner thought that *Corts et al.* was necessary to support features of independent claims 1 and 7-9, for example. Yet, claims dependent from these claims, and including all of the features of these claims, were not rejected based, even in part, on *Corts et al.* Moreover, independent claims 19 and 20, and dependent claims 21 and 22 are not specifically rejected as they do not appear in any statement of grounds for rejection. However, Applicants will presume that they were intended to be rejected under 35 U.S.C. §103(a) based on *Lindqvist et al.* in view of *Corts*

et al. since claims 19-22 are included in the rationale for the rejection on page 6 of the Office Action.

The feature of “providing one or more data files including information for **locating a main page of the datacast operator, the main page including at least some of said supplementary data,**” recited in independent claim 1, is not taught or suggested by either *Lindqvist et al.* or *Corts et al.*, or the combination thereof.

The Examiner relied on paragraph [0096] of *Lindqvist et al.* for a teaching of providing a main page of the datacast operator, by identifying the unique identifier and the scheduling information therein as corresponding to the supplementary data displayed on a main page. The Examiner relied on paragraph [0049] of *Lindqvist et al.* for providing one or more data files including information for locating a main page. Applicants respectfully disagree.

First, there is no indication in paragraph [0096] of *Lindqvist et al.* that the “unique identifier” relating to an available distribution of content is actually displayed on the browsable list of offerings. Therefore, it is doubtful that the “supplemental information” (which, the Examiner contends, corresponds to the unique identifier). More importantly, paragraph [0049] of *Lindqvist et al.* is directed to a table that lists exemplary **actions** that may be performed by a **content provider**. Various actions that may be performed by a content provider do not constitute the locating of a main page. To whatever extent the Examiner is relying on the listing on the reception terminal (as in paragraph [0096]) as corresponding to the claimed “main page,” the content provider is not the main page. Thus, at best, the Examiner’s rationale is inconsistent since it appears, at once, to rely on both the content provider and the reception terminal as displaying the claimed “main page.” But, in any event, no matter which feature of *Lindqvist et al.* is relied on as corresponding to the claimed “main page,” there is clearly no teaching or

suggestion therein of **locating a main page of the datacast operator**, as a listing of possible actions by a content provider, none of which is directed to locating anything, does not perform the function of **locating a main page of the datacast operator**.

Accordingly, independent claim 1, and claims 4, 5, 22, 23, and 27, dependent thereon, is allowable.

The feature of “wherein the supplementary data includes **data for identifying the datacast operator**,” recited in independent claims 7, 8, 19, and 20, is not taught or suggested by either *Lindqvist et al.* or *Urdang* (or *Corts et al.*, for that matter) or the combination thereof.

The Examiner relied on *Urdang* for this claim feature, particularly paragraph [0022] thereof. The cited portion of *Urdang* relates to a processor collecting program guide data associated with different TV programs from an application server. Each program is identified by a program identification code, which may be used to locate corresponding EPG data. A processor may locate the corresponding EPG data to create in real time a metadata file associated with the TV program. However, there is no suggestion in this portion of *Urdang*, or in any other portion of *Urdang*, of identifying a datacast operator. The Examiner asserted that *Urdang* “discloses identifying content which identifies the location of the EPG content, corresponding to identifying the datacast operator based on the location information” (Office Action, page 8). However, identification of EPG content is not tantamount to identifying a datacast operator., as the location of the EPG content does not necessarily correspond to the location of the datacast operator.

Accordingly, independent claims 7, 8, 19, and 20, and claim 21, dependent on claim 20, are allowable.

The feature of “selectively receiving, from a datacast operator, **prior to receiving the electronic service guide data**, supplementary data which is specific to the geographic area served by the datacast operator,” recited in independent claim 9, is not taught or suggested by any one of *Lindqvist et al.*, *Corts et al.*, or *Urdang*, or any combination thereof.

The Examiner asserted that this feature is taught at paragraph [0022] of *Urdang*. Applicants respectfully disagree.

In *Urdang*, a program identification code is used to locate corresponding EPG data. The Examiner asserted that this program identification code corresponds to the claimed supplementary data. However, to the extent that the program identification code is received prior to the EPG data, the program identification code cannot correspond to the claimed supplementary data because the program identification code is not “specific to the geographic area served by the datacast operator.” The supplementary data that is received from the datacast operator, in addition to being received prior to receiving the electronic service guide data, must also be “specific to the geographic area served by the datacast operator.”

Applicants are aware that the Examiner has relied on *Corts et al.* for a teaching of supplementary data which is specific to the geographic area served by the datacast operator. However, the supplemental data in *Corts et al.* relates to news, weather, and traffic data. That data would not be received prior to receiving the electronic service guide data. Therefore, *Corts et al.* suggests geographic-specific supplemental data that is not received prior to any electronic service guide data, and *Urdang* discloses supplemental data that may be received prior to EPG data but is not geographic-specific. Other than engaging in impermissible hindsight gleaned from Applicant’s own disclosure, there would have been no reason to combine these two disparate teachings because there would have been no reason to substitute news, weather, or

traffic data for the program identification code of *Urdang* and there would have been no reason to substitute the program identification code of *Urdang* for the news, weather, and traffic data of *Corts et al.* Accordingly, the proposed combination of references is improper and would not result in the claimed subject matter even if the combination were made.

Accordingly, independent claim 9, and claims dependent thereon, is allowable.

For the reasons above, withdrawal of the rejections of claims 1-5, 7-9, 12-16, 18, 23, 25, and 26 under 35 U.S.C. §103(a) based on *Lindqvist et al.* in view of *Corts et al.*, and claims 10, 11, 24, and 27-32 under 35 U.S.C. §103(a) based on *Lindqvist et al.* in view of *Urdang*, is respectfully solicited.

The rejection of claim 17 under 35 U.S.C. §103(a) is traversed.

Dale et al., applied for a supposed teaching of generating a power on/off control signal at a receiver when a data burst is detected, fails to cure the deficiencies of the *Lindqvist et al./Corts et al.* and *Lindqvist et al./Urdang* combinations, previously argued. Thus, no *prima facie* case of obviousness has been established with regard to the subject matter of claim 17.

Accordingly, withdrawal of the rejection of claim 17 under 35 U.S.C. §103(a) is respectfully solicited.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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